



**WINCHESTER COMMON COUNCIL
IN REGULAR SESSION
MAY 26, 2015**

A regular session of the Winchester Common Council was held on Tuesday, May 26, 2015, in the Council Chambers, Rouss City Hall. President Willingham called the meeting to order at 6:01 p.m.

PRESENT: Councilor Evan Clark and Corey Sullivan; Vice-President Milt McInturff; City Councilor Kevin McKannan and William Wiley; Mayor Elizabeth Minor; Vice-Mayor Les Veach; President John Willingham (8)

ABSENT: Councilor John Hill (1)

MOMENT OF SILENCE – President Willingham led the citizens and councilors in a Moment of Silence.

PLEDGE OF ALLEGIANCE – Mayor Minor led the citizens and councilors in the Pledge of Allegiance.

APPROVAL OF MINUTES – May 12, 2015 Regular Meeting and May 12, 2015 Work Session

Vice-President McInturff moved to approve the minutes as presented. *The motion was seconded by Mayor Minor then unanimously approved 8/0.*

REPORT OF THE MAYOR

Mayor Minor stated she has talked with a lot of people recently who have commented on how much they loved the new Farmers' Market, the KidzFest, and the new gelato store on the Old Town Mall.

Councilor John Hill arrived at 6:02 p.m.

REPORT OF THE CITY MANAGER

City Manager Eden Freeman stated the opening day for the Farmers' Market was a success with over 1,400 people attending. In addition, it was also KidzFest and over 4,000 people attended that event packing the Loudoun Street Mall the entire day. She stated a temporary speed bump has been installed on Indian Alley just south of Cork Street to help improve safety. As Council asked, that item is going back to Planning Commission in June for further review and input. She stated construction on the Meadow Branch Extension is expected to begin on June 1st and urged everyone to use caution when traveling through the work zone. The contract documents for the Joint Judicial Center Improvements Project have been completed. The project will be advertised next week and bids will be due

on June 23rd. She announced that prior to the end of the USA Today Readers Choice voting yesterday, the Shenandoah Apple Blossom Festival was ranked first for Best Southern Event. The final results are expected on Friday. She reminded everyone that there will be no yard waste pick up tomorrow because of the holiday. The recycling collection that would have been on Monday will be done on Wednesday. She stated as a point of clarification on the agenda, the first item listed under Public Hearings is the adoption of the Pay Plan which must be done annually and it must be done prior to the adoption of the budget. That item does not require a public hearing but the budget does. It is listed there because the public hearings are done at the start of the agenda.

REPORT OF THE CITY ATTORNEY

City Attorney Anthony Williams stated he had nothing to report.

1.0 PUBLIC HEARINGS

- 1.1 R-2015-19:** Resolution – Amending Sections 3.1-3.8 of the City of Winchester’s Comprehensive Employee Management System pertaining to the Pay Plan and Position Listing **(NO PUBLIC HEARING REQUIRED)**

Vice-Mayor Veach moved to approve R-2015-19. *The motion was seconded by Mayor Minor then unanimously approved by voice-vote.*

- 1.2 O-2015-11:** Second Reading – AN ORDINANCE TO AUTHORIZE THE APPROPRIATION OF FUNDS FOR NECESSARY EXPENDITURES OF THE CITY OF WINCHESTER, VIRGINIA FOR THE FISCAL YEAR ENDING JUNE 30, 2016

President Willingham asked if there was anyone wishing to address Council. Seeing none, he closed the public hearing at 6:06 p.m.

Vice-President McInturff stated to assure no conflict of interest or impropriety exists, he obtained a formal opinion from the City Attorney as well as the Commonwealth Attorney on whether or not it would be appropriate for him to participate in the deliberation, discussion, and voting on the FY16 budget as his home falls in the area impacted by the Valley Avenue Project included in the City’s Capital Improvement Plan. As both the City Attorney and Commonwealth Attorney agree, this situation does not create a conflict of interest or impropriety that would preclude his participation; he will proceed to fulfill his duty as a member of this body and vote on the budget ordinance tonight.

Vice-Mayor Veach moved to approve O-2015-10. *The motion was seconded by Mayor Minor then adopted by the affirmative vote of a majority of all members of the Common Council, the ayes and nays being recorded as shown below:*

<u>MEMBER</u>	<u>VOTE</u>
Councilor Clark	Aye
Councilor Hill	Aye
Vice-President McInturff	Aye
Councilor McKannan	Aye
Mayor Minor	Aye
Councilor Sullivan	Aye
Vice-Mayor Veach	Aye
Councilor Wiley	Aye
President Willingham	Aye

2.0 PUBLIC COMMENTS

Harry Gormas of 27 South Cameron Street announced he is going to submit an offer to purchase the Winchester Towers for redevelopment to include a “Durdy Harry’s Bar & Grill”, hotel rooms, a banquet area, and a roof top garden.

President Willingham asked if there was anyone wishing to address Council. Seeing none, he closed the public hearing at 6:12 p.m.

3.0 CONSENT AGENDA

3.1 R-2015-20: Resolution – Approval of Business Tangible Personal Property Tax Refund to Win VA Gym, LLC in the amount of \$4,453.72

Councilor Clark moved to approve the Consent Agenda as presented. *The motion was seconded by Vice-President McInturff then unanimously approved by voice-vote.*

4.0 AGENDA

4.1 R-2015-24: Resolution – A resolution to authorize the release of the request for proposals (RFP) for the comprehensive redevelopment of 200 & 214 North Cameron Street (Winchester Towers)

President Willingham stated he will be abstaining from the discussion and vote on this after opinions from the City Attorney and Commonwealth’s Attorney regarding his employment at Wells Fargo and the potential conflict but not one that exists today.

Councilor Wiley stated he will do the same.

Ms. Freeman stated this is the final proposed RFP for the comprehensive redevelopment for the Winchester Towers property. After receiving comments from potential developers regarding the amount of time to submit a proposal under the RFP, the time allowed for the submittal has been extended to 60 days instead of the traditional 30 day time period.

Vice-Mayor Veach asked if the City has the option to not accept any of the proposals submitted if they are not happy with them. Ms. Freeman stated that is correct and there is explicit language in the RFP that says the City reserves the right to reject any and all offers.

Vice-President McInturff moved to approve R-2015-24. *The motion was seconded by Vice-Mayor Veach then approved 7/0/2 with President Willingham and the Councilor Wiley abstaining.*

- 4.2 Motion** to appoint _____ as a member of the Old Town Development Board to an unexpired three year term ending October 31, 2016

Vice-President McInturff moved to appoint Stephen Maclin as a member of the Old Town Development Board. *The motion was seconded by Councilor Wiley then unanimously approved by voice-vote.*

- 4.3 Motion** to appoint _____ as a member of the Parks & Recreation Board to a three year term expiring June 30, 2018

Vice-President McInturff moved to appoint Mike Miller as a member of the Parks & Recreation Board. *The motion was seconded by Councilor Clark then unanimously approved by voice-vote.*

- 4.4 Motion** to appoint _____ as a member of the Social Services Advisory Board to a four year term expiring March 31, 2019

Vice-President McInturff moved to appoint Kim Herbstritt as a member of the Social Services Advisory Board. *The motion was seconded by Mayor Minor then unanimously approved by voice-vote.*

- 4.5 Motion** to appoint _____ as a member of the Board of Zoning Appeals to a five year term expiring July 31, 2020

Vice-President McInturff moved to appoint Dan Whitacre as a member of the Board of Zoning Appeals. *The motion was seconded by Vice-Mayor Veach then unanimously approved by voice-vote.*

- 4.6 Motion** to appoint _____ as a member of the Environmental Sustainability Taskforce to a two year term expiring December 31, 2017

Vice-President McInturff moved to appoint Colin Reynolds as a member of the Environmental Sustainability Taskforce. *The motion was seconded by Councilor Clark then unanimously approved by voice-vote.*

- 4.7 Announce** the resignations of Lauren Hawley (Ward 3) and Minh Le (At-Large Ward 4) as members of the Winchester School Board and direct the Clerk of Council to advertise the vacancies

5.0 EXECUTIVE SESSION

President Willingham stated he would entertain a motion to add the following language to the Executive Session on the agenda: AND PURSUANT TO 2.2-3711(A)(7) OF THE CODE OF VIRGINIA FOR THE PURPOSE OF RECEIVING LEGAL ADVICE FROM THE CITY ATTORNEY AND LEGAL CONSULTATION REGARDING THE SUBJECT OF SPECIFIC LEGAL MATTERS REQUIRING THE PROVISION OF LEGAL ADVICE BY THE CITY ATTORNEY AND MATTERS OF ACTUAL OR PROBABLE LITIGATION. *The motion was made by Vice-President McInturff, seconded by Councilor Clark, and then unanimously approved by voice-vote.*

- 5.1** MOTION TO CONVENE IN EXECUTIVE SESSION PURSUANT TO §2.2-3711(A)(1) OF THE CODE OF VIRGINIA FOR THE PURPOSE OF DISCUSSION AND CONSIDERATION OF INFORMATION REGARDING THE SUBJECT OF THE EMPLOYMENT, ASSIGNMENT, PERFORMANCE AND APPOINTMENT OF SPECIFIC PUBLIC OFFICERS APPOINTEES, AND EMPLOYEES OF THE CITY OF WINCHESTER AND PURSUANT TO 2.2-3711(A)(7) OF THE CODE OF VIRGINIA FOR THE PURPOSE OF RECEIVING LEGAL ADVICE FROM THE CITY ATTORNEY AND LEGAL CONSULTATION REGARDING THE SUBJECT OF SPECIFIC LEGAL MATTERS REQUIRING THE PROVISION OF LEGAL ADVICE BY THE CITY ATTORNEY AND MATTERS OF ACTUAL OR PROBABLE LITIGATION.

Vice-President McInturff moved to convene into Executive Session at 6:18 p.m. *The motion was seconded by Councilor Wiley then unanimously approved by voice-vote.*

Vice-President McInturff moved to reconvene in open session at 7:09 p.m. *The motion was seconded by Councilor Wiley then unanimously approved by voice-vote.*

Upon returning, each member certified that only public business matters lawfully exempted from open meeting requirements of the Virginia Freedom of Information Act were discussed during the closed meeting, and that only those public business matters identified in the motion which convened the closed meeting were heard, discussed, or considered during the closed meeting.

A roll call vote was taken, the ayes and nays being recorded as shown below:

<u>MEMBER</u>	<u>VOTE</u>
Councilor Clark	Aye
Councilor Hill	Aye
Vice-President McInturff	Aye
Councilor McKannan	Aye
Mayor Minor	Aye

Councilor Sullivan	Aye
Vice-Mayor Veach	Aye
Councilor Wiley	Aye
President Willingham	Aye

President Willingham stated he would entertain a motion to add to the agenda a motion to authorize Shentel to film customer testimonials in accordance with their written letter request dated May 22, 2015. *The motion was made by Vice-President McInturff, seconded by Councilor Clark, and then unanimously approved by voice-vote.*

Motion to authorize Shentel to film customer testimonials in accordance with their written letter request dated May 22, 2015

Councilor Wiley moved to authorize the request made by Shentel to film customer testimonials. *The motion was seconded by Vice-Mayor Veach then unanimously approved by voice-vote.*

President Willingham stated he would entertain a motion to add to the agenda a motion to appoint William Wiley as a member of the Northern Shenandoah Valley Regional Commission (NSVRC). *The motion was made by Councilor Sullivan, seconded by Councilor Clark, and then unanimously approved by voice-vote.*

Motion to appoint William Wiley as a member of the Northern Shenandoah Valley Regional Commission

Councilor Sullivan moved to approve the appointment of William Wiley to the NSVRC. The motion was seconded by Vice-President McInturff then unanimously approved by voice-vote.

6.0 ADJOURNMENT

Vice-President McInturff moved to adjourn the meeting at 7:11 p.m. *The motion was seconded by Councilor Clark then unanimously approved by voice-vote.*

Kari J. Van Diest, CMC
Deputy Clerk of Council